REMARKS/ARGUMENTS

The Official Action dated 11 August 2004 has been carefully considered, along with cited references, applicable sections of the Patent Act, Patent Rules, the Manual of Patent Examining Procedure and relevant decisional law.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marsden (5,500,093).

Claims 4 and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marsden (5,500,093) in view of Moor (5,209,842).

Applicant respectfully submits that the present invention is significantly different from that of the cited arts as can be seen from their respective structures. Applicant's invention as specified in the amended claims 1, 4-5 and 9 is patentably distinguishable over these references when taken either singularly or in combination for the following reasons:

The Examiner cites Marsden as an example disclosing a filter assembly comprising a container including a chamber (42) formed therein to receive a fluid, a filter device (40) received in the chamber (42) of the container, to separate the chamber of the container into a first space (42) and a second space (44), the container including an inlet (49) communicating with the first space (42) to allow fluid to flow into the first space of the container, an outlet (43) communicating with the second space (44) of the container, to allow the fluid flowing through the filter device (10), the housing including a partition (43) extending into the chamber of the housing and a plate (44a) provided on top of the peripheral

partition having a plurality of apertures (44a) communicating with the chamber and compartment and peripheral space of the housing to increase a flowing area of the fluid through the housing.

For claims 4 and 7-9, the Examiner further cites Moor as an example disclosing a casing including an outer peripheral fence extended upwardly therefrom (24) to form a space therein and to receive a filter member (21), a filter screen (15) disposed on the filter member to filter the fluid before the fluid flowing through the filter member, and means for biasing (19) the filter screen against the filter member.

However, actually, in Marsden, as disclosed in FIG. 4 and col. 3, line 57 to col. 4, line 8, the outlet pipe 50 includes a lower portion 43 with orifices 43a engaged into the particulate filter material 47, such that the fluid may enter into the orifices 43a of the lower portion 43 of the outlet pipe 50 after flowing through the particulate filter material 47, such that the orifices 43a of the lower portion 43 of the outlet pipe 50 may have a good chance to be blocked by the particulate filter material 47 or by the particles filtered and retained in the particulate filter material 47.

In Moor, similarly, as disclosed in FIG. 1 and col. 3, lines 30-52, the filtering element or media 21 is of a porous material, and is wrapped or positioned around the tubular core output side 22, which is tightly secured to the top end cap 23 and the bottom end cap 24, and which has a multiplicity of holes 25 for the flow of oil and liquid vehicle from the input side 16 and through the filter media 21.

The cited arts fail to provide and dispose filter particles within

a housing that includes a compartment formed therein to separate the filter particles away from filter members.

By contrast, in Applicant's invention, as amended in the amended claims 1, 4-5 and 9, the housing (40) includes a chamber (43) and a peripheral space (47) formed therein for receiving filter particles (70) therein, and includes a compartment (46) defined within a peripheral partition (44) and a plate (45), for separating the filter particles (70) from the filter member (33), and for decreasing the chances of blocking of the apertures (48) in the peripheral partition (44) and the plate (45) by the filter particles (70). In addition, and simultaneously, a filter member (33) is disposed below the housing (40), and another filter member (50) is further provided and disposed above the housing (40) and biased against the filter particles (70), for further filtering the fluid.

The cited arts fail to teach a filter assembly including a housing (40) having a chamber (43) and a peripheral space (47) for receiving filter particles (70), and having a compartment (46) defined within a peripheral partition (44) and a plate (45), for separating the filter particles (70) from the filter member (33), and for decreasing the chances of blocking of the apertures (48) in the peripheral partition (44) and the plate (45) by the filter particles (70), and simultaneously, a filter member (33) disposed below the housing (40), and another filter member (50) disposed above the housing (40) and biased against the filter particles (70), for further filtering the fluid. The applicant's invention is different from that of the cited arts and has improved over the cited arts.

In view of the foregoing amendments and remarks, applicant

respectfully submits that the present invention is patentably distinguishable over the cited arts and that the application is now in condition for allowance, and such action is earnestly solicited.

Courtesy and cooperation of Examiner PHAM are appreciated.

respectfully submitted,

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